

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CLARENCE BOGAN, III,

Case No. 1:11-cv-259

Plaintiff,

Barrett, J.
Bowman, M.J.

vs.

TIMOTHY BRUNSMAN, et al.,

Defendants.

ORDER

Plaintiff, an inmate at the Lebanon Correctional Institution (LeCI) in Lebanon, Ohio, brings this action against LeCI Warden Timothy Brunsman and the Director of the Ohio Department of Rehabilitation and Correction Gary C. Mohr. Plaintiff's *pro se* complaint alleges numerous violations of his rights as a result of his incarceration at LeCI. This matter is before the Court on Defendants' motion to strike Plaintiff's "Response to Defendants' Reply to Plaintiff's Motion in Opposition to Defendants' Motion for Summary Judgment." (Doc. 41).

In the present case, Defendants' filed their Motion for Summary Judgment on April 19, 2012. (Doc. 33). Plaintiff filed a memorandum *contra* on September 3, 2012 and Defendants filed their Reply on September 7, 2012. (Docs. 39, 40). Thereafter, Plaintiff filed a sur-reply to Defendant's reply on September 14, 2012. (Doc. 41). Defendants now ask the Court to strike Plaintiff's sur-reply because it was filed after Defendants' motion for summary judgment had been fully briefed and because Plaintiff did not first seek leave of court before such filing. See S.D. Ohio. Civ. R. 7.2(a)(2).

The Court recognizes that Plaintiff failed to fully comply with the local rules of this

Court. However, in the interests of justice and in light of Plaintiff's *pro se* status, the Court declines to strike Plaintiff's sur-reply. Accordingly, Defendants' motion to strike (Doc. 42) is **DENIED**.

IT IS SO ORDERED.

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge